

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

STEVEN LAMOUNT CROSBY

PETITIONER

VERSUS

CIVIL ACTION NO. 3:06cv216HTW-JCS

LAWRENCE KELLY

RESPONDENT

OPINION AND ORDER

This matter comes before this Court, *sua sponte*, for consideration of dismissal.

Petitioner Steven Lamount Crosby, was convicted on February 8, 2002, by a jury in the Circuit Court of Rankin County, Mississippi, of aggravated assault, kidnaping, and possession of a firearm by a convicted felon. The petitioner was sentenced to three consecutive life sentences.

The petitioner has previously filed for habeas relief in this Court in civil action number 3:04cv898WHB-JCS challenging the same conviction. The respondent filed a response and a copy of the state court record. On May 15, 2006, an order adopting the Report and Recommendation of April 12, 2006, was entered dismissing with prejudice the petition for habeas relief. A judgment then was entered on May 15, 2006, dismissing civil action number 3:04cv898WHB-JCS.

Since the petitioner has previously filed a habeas attacking his 2002 conviction in this court, the instant petition is deemed second or successive. Before filing a second or successive petition, the petitioner should file a motion in the Fifth Circuit requesting that an order be entered authorizing the district court to consider the petition. Title 28 U.S.C. § 2244(b)(3)(A).

There are no allegations or documents to establish that the petitioner has received authorization from the Fifth Circuit to file the instant petition. Therefore, this petition must be dismissed. If the petitioner receives authorization from the Fifth Circuit, he may then re-file a new petition for habeas relief which will be assigned a separate civil action number in this district court.

A final judgment in accordance with the opinion and order shall be entered.

This the 27th day of July, 2006.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE